

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



SERVICE EMPLOYEES INTERNATIONAL)	
UNION, LOCAL 715, AFL-CIO)	Case No. SF-CE-155
)	
Charging Party,)	Request for Reconsideration
)	PERB Decision No. 233
V.)	
)	PERB Decision No. 233a
OFFICE OF THE SANTA CLARA COUNTY)	
SUPERINTENDENT OF SCHOOLS,)	October 26, 1982
)	
Respondent.)	
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Appearances; Richard J. Loftus, Jr., Attorney (Littler, Mendelson, Fastiff & Tichy) for the Office of the Santa Clara County Superintendent of Schools.

Before Gluck, Chairperson; Tovar and Jensen, Members.

DECISION

GLUCK, Chairperson: The Santa Clara County Superintendent of Schools (County) requests that the Public Employment Relations Board's (PERB) Decision and Interim Order in unfair practice case No. SF-CE-155, PERB Decision No. 233 (8/12/82), be vacated in view of a settlement agreement reached by the parties.

The charge in the instant case was filed on October 7, 1977, and a hearing thereafter held before a PERB hearing officer whose proposed decision was issued on April 28, 1980. The County thereafter filed exceptions to the proposed decision.

On February 23, 1978, the Service Employees International Union, Local 715 (Union) filed unfair practice charge No. SF-CE-184 which was scheduled to be heard on December 29, 1980.

On December 11, 1980, however, the Union and County entered into a complete settlement of both charges pursuant to which they were to jointly request withdrawal of the cases before this agency. On March 6, 1981, the Union did file the joint request for withdrawal of SF-CE-184. However, the County inadvertently failed to request withdrawal of the exceptions it had filed in case SF-CE-155.

On August 17, 1982, five days after publication of the Board's Decision in the instant case, the Board's executive assistant was orally informed of the settlement agreement and the County's inadvertent failure to notify the Board thereof. On August 19 a formal request for reconsideration was filed by the County. A copy of the settlement agreement was attached. It includes the following provision:

5. Case Nos. SF-CE-155 and SF-CE-184 shall be considered settled in their entirety and the parties shall request the PERB to close their files in said matters.

The County's formal request for reconsideration was properly served on the Union and the time for response has passed without reply.

DISCUSSION

It is the Board's policy to favor voluntary settlement of disputes. Dry Creek Joint Elementary School District (7/21/80) PERB Order No. Ad-81a. The Board has reviewed the settlement reached by the parties here and finds it not to be repugnant to the purposes of the Act. It has been in effect for 22 months. The Board finds no overriding reason to depart from its established policy favoring settlement.

Therefore, in view of the parties amicable resolution of the dispute giving rise to unfair practice charge SF-CE-155 and the affected employee's concurrence in that settlement, the Board ORDERS that the complaint issued in unfair practice case No. SF-CE-155 and the charges upon which the complaint was issued be DISMISSED and that the Decisions of the hearing officer and the Board itself be accordingly VACATED.

Members Tovar and Jensen concurred.